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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,813	06/05/2000	Bradley L. Northman	GEN10 P-318A	8719

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EXAMINER

ROWE, JESSE C

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/586,813

Applicant(s)

NORTHMAN ET AL.

Examiner

Jesse C Rowe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Objections

Claim 2 objected to because of the following informalities: Claim 2 does not end with a period. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 rejected under 35 U.S.C. 103(a) as being unpatentable over O'Farrell (USPN 5,253,109) in view of Roberts (USPN 5,481,409).

O'Farrell discloses a mirror (Fig. 1 (14)) with a reflector layer (Fig. 2 (42)) with a portion defining an opening (Fig. 3 (43)) that is enclosed in a housing (Fig. 2 (12)). O'Farrell also discloses an indicia panel (Fig. 3 (58)) configured to form a visual display (column 5, lines 33-35) that covers the opening (Fig. 3). O'Farrell's indicia display has at least one light source (column 5, lines 35-38) positioned in the housing to pass light through the indicia panel (column 5, lines 35-38) and the opening of the reflector layer to selectively illuminate the visual display. O'Farrell also discloses an electrochromic mirror subassembly (column 4, lines 39-44), where the electrochromic mirror subassembly comprises front (Fig. 3 (24)) and rear (Fig. 3 (32)) transparent elements (column 3, lines 38-40), a layer of electrochromic material (column 4, lines 39-57) associated with the front and rear transparent elements, and a reflector layer being associated with the rear transparent element (column 3, lines 48-54). O'Farrell's also discloses

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an alphanumeric display (Fig. 1 (58)) for the indicia panel. O'Farrell lacks the at least one light source emitting a light being matched in color to the indicia panel, being non-white and being amber in color. Roberts discloses an amber light emitting diode light source (column 9, lines 34-54). Roberts also teaches using an indicia panel (Fig. 6 (28, 28A, 28B, 28C)) that is matched to the light source (column 9, lines 52-59 and column 12 lines 36-62) so that a maximum of light from the at least one light source passes through the filter and is visible to a vehicle driver. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the mirror assembly of O'Farrell to have the light source color be amber and match the indicia panel as taught by Roberts to optimally light a display with light for the purpose of creating a bright and easily visible display for the vehicle driver of a pleasing color.

Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over O'Farrell in view of Roberts as applied to claims 1-5 above, and further in view of Gallmeyer (USPN 4,882,565).

O'Farrell in view of Roberts discloses the invention except wherein the indicia panel includes a diffuser layer. Gallmeyer discloses an indicia panel having a diffuser layer (column 3, lines 29-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the indicia panel of O'Farrell in view of Roberts to include a diffuser layer, as per the disclosure of Gallmeyer, in order to obtain a more evenly distributed lighting brightness for the display.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse C Rowe whose telephone number is (703)305-7018. The examiner can normally be reached on Regular.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached on (703)308-1687. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-7018 for regular communications and (703)305-7018 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-7018.

Jesse Rowe

July 1, 2002



**Cassandra Spyrou
Supervisory Patent Examiner
Technology Center 2800**